

## **REMARKS**

Applicant and applicant's attorney express appreciation to the Examiner for the courtesies extended during the recent in person interview held on May 8, 2008. During the interview, proposed amendments to claims 10, 19, 58, 61, 64, 67, and 70 were discussed. Agreement was reached during the interview that the proposed amendments likely overcome the Section 102 rejections made with *Shea*.

The Office Action, mailed April 22, 2008, rejected claims 10-14, 16-26, 28-34, and 58-69 over *Shea* (U.S. Patent No. 6,050,924) under 35 U.S.C. § 102. Claim 15 was rejected over *Shea* in view of *Shum* (U.S. Patent No. 6,585,622) and *Powers* (U.S. Patent No. 5,836,770)<sup>1</sup>. Claims 10, 19, 58, 61, 64, and 67 are hereby amended, and new claim 70 is added. In light of the foregoing amendments and the following remarks, reconsideration and allowance for the above-identified application are now respectfully requested. Claims 10-26, 28-34 and 58-70 are pending.

### **Rejections under 35 U.S.C. § 102**

Claims 10-14, 16-26, 28-34, and 58-69 were rejected under § 102(e) as being anticipated by *Shea*. Applicants respectfully traverse.

*Shea* relates to an "exercise system and, more particularly, to an exercise terminal network including exercise terminals usable by an exerciser in a training or rehabilitation program" (Col. 1, ll. 5-8). During use the "exerciser enters his/her exercise identifier at [an] exercise station terminal" so that processor 201 can "retrieve [] exercise data for the exerciser

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<sup>1</sup> Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

from the exercise database" to enable the exerciser to begin the workout (Col. 17, ll. 17-22). "The exerciser is provided with a prompt which indicates the exercise ... and total exercise time" (Col. 17, ll. 24-26). Following completion of the exercise at the first exercise station terminal, "the exerciser is provided with an aural and/or visual prompt regarding the next exercise terminal to be used" (Col. 17, ll. 34-36). "The exerciser then proceeds to the stationary bicycle and enters his/her exerciser identifier ... Processor 201 uses the entered exerciser identifier to retrieve exercise data from the exercise database" (Col. 17, ll. 42-46). Each time the exerciser changes an exercise apparatus, the exerciser enters the exerciser identifier and the processor of the exercise apparatus retrieves the exercise program from the exercise database at the central computer 102 (See "[t]he database portions are stored in memory 507 . . . of central computer 102 of exercise terminal network 100 (Col. 12, ll. 23-27)).

In contrast, amended independent claims 10, 58, 61, and 67 recite a device that simultaneously delivers exercise programming to a plurality of exercise devices. In particular, claim 10 recites a "transmitter delivering said exercise program simultaneously to each of the plurality of exercise devices." Similarly, claims 58 and 67 each recites "the transmitter simultaneously delivering exercise programming to the plurality of exercise devices," and claim 61 recites "the transmitter simultaneously delivering the same exercise programming to the plurality of exercise devices."

Thus, *Shea* neither teaches nor suggests an exercise program that is simultaneously delivered to a plurality of exercise devices. Rather, *Shea* teaches and suggests individual programs being delivered to each exercise apparatus and not a single exercise program being delivered to a plurality of exercise devices simultaneously.

Additionally, amended claims 19, 58, and 61 recite limitations relating to a central unit with which an exerciser can directly interact to select a desired exercise program and have the selected program delivered to the plurality of exercise devices such that the central unit controls the exercise devices one after the other without additional input from the user at either the central unit or the plurality of exercise devices. In particular, claim 19 recites "said control panel is adapted to enable an exerciser to select one of said plurality of exercise programs at said control panel and activate said control panel such that said wireless transmitter delivers said one of said plurality of exercise programs to said plurality of exercise devices ... wherein said central control unit is adapted to control said plurality of exercise devices in succession without further input from the exerciser at said central control unit or said plurality of exercise devices."

Similarly, claim 58 recites "the central managing unit is adapted to: ... control an operation of a first exercise device of the plurality of exercise devices upon selection and activation by the exerciser of exercise programming at the central managing unit and, upon completion of the operation of the first exercise device, automatically control an operation of a second exercise device of the plurality of exercise devices without any additional input from the exerciser at the central managing unit or at the plurality of exercise devices." Likewise, claim 61 recites "the exercise programming is adapted to control each of the plurality of exercise devices individually and in succession without input from an exerciser prior to the central unit controlling each exercise device of the plurality of exercise devices."

Moreover, *Shea* neither teaches nor suggests a central unit that delivers exercise programming to a plurality of exercise devices, wherein the delivery of the exercise programming is the initial communication between the central unit and the plurality of exercise devices and is initiated at the central unit by a user, as recited in claims 10, 19, 58, 61, 64, 67,

and 70. Rather, *Shea* teaches and suggests an exercise system in which a signal is first sent from each of the exercise devices to the central computer and the central computer responds by sending exercise data to the exercise device. In particular, claim 10 recites that "the simultaneous delivery of said exercise program to each of the plurality of exercise devices is the initial communication between the central control unit and the plurality of exercise devices, wherein the initial communication is initiated by a user at the central control unit." Likewise, claim 61 recites that "the delivery of the exercise programming is the initial communication between the central unit and the plurality of exercise devices, wherein the initial communication is initiated by the exerciser at the central unit."

Similarly, claims 19, 58, 64, 67, and 70 each recite that the transmitter delivers exercise programming to the plurality of exercise devices without prior communication either from an exerciser to the plurality of exercise devices or the plurality of exercise devices to the central unit. Specifically, claims 19, 58, 64, 67, and 70 recite the following limitations:

- claim 19: "wherein said control panel is adapted to enable an exerciser to select one of said plurality of exercise programs at said control panel and activate said control panel such that said wireless transmitter delivers said one of said plurality of exercise programs to said plurality of exercise devices without prior communication between the exerciser and said plurality of exercise devices or from said plurality of exercise devices to said central control unit";
- claim 58: "wherein the central managing unit is adapted to: enable an exerciser to select and activate exercise programming at the central managing unit, simultaneously deliver the exercise programming to the plurality of exercise devices without prior communication from the plurality of exercise devices to the central managing unit";

- claim 64: "the transmitter delivering exercise programming initiated by an exerciser at the central unit to the plurality of exercise devices without prior communication between the exerciser and the plurality of exercise devices";
- claim 67: "the transmitter simultaneously delivering exercise programming to the plurality of exercise devices without prior communication between an exerciser and the plurality of exercise devices or from the plurality of exercise devices to the central communications unit"; and
- claim 70: "the transmitter delivering exercise programming to the plurality of exercise devices without prior communication from the plurality of exercise devices to the central unit ... such that an exerciser can (i) initiate exercise programming at the central unit, which is simultaneously sent to a first exercise device and a second exercise device, then (ii) exercise on the first exercise device, and then (iii) exercise on the second exercise device without initiating any communication to the second exercise device or further communication to the central unit prior to exercising on the second exercise device."

For at least the foregoing reasons, Applicants respectively submit that pending claims 10-26, 28-34 and 58-70, as amended and presented herein, are neither disclosed in *Shea* nor obvious variations of the method disclosed therein. Accordingly, it is respectfully submitted that claims 10-26, 28-34, and 58-70, as amended and presented herein, overcome the rejections based on Section 102.

#### **Rejection under 35 U.S.C. § 103**

The Examiner has rejected claim 15 under § 103(a) as being unpatentable over *Shea* in light of *Shum* and *Powers*. Claim 15 depends from claim 10, and thus incorporates the

limitations recited therein. As discussed above, *Shea* fails to disclose or obviate independent claim 10. Furthermore, it has not been established that *Shum* or *Powers* remedy the defects of *Shea*. Accordingly, it is respectfully requested that the rejection under 35 U.S.C. 103(a) of claim 15 be withdrawn.

### CONCLUSION

Applicant respectfully submits, therefore, that the present application is now in condition for allowance. In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 19<sup>th</sup> day of May, 2008.

Respectfully submitted,

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